

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: August 1, 2020

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In Re: **Rubier J Betancourt**

Case No.:

16-20518 SLM

Judge:

Hon. Stacey L. Meisel**Debtor(s)**

CHAPTER 13 PLAN AND MOTIONS

Original
 Motions Included

Modified/Notice Required
 Modified/No Notice Required

Date:

August 21, 2020

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

- DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.
- DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.
- DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' _____ /s/ RIL Initial Debtor: _____ /s/ RJB Initial Co-Debtor _____
Attorney _____

Part 1: Payment and Length of Plan

- a. The debtor has paid to date \$17,200 and starting on September 1, 2020 shall pay the Trustee \$820 per month for the remaining 33 months of this 84 month plan.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- Future Earnings
 Other sources of funding (describe source, amount and date when funds are available): _____
- c. Use of real property to satisfy plan obligations:
- Sale of real property
Description: _____
Proposed date for completion: _____
- Refinance of real property:
Description: _____
Proposed date for completion: _____
- Loan modification with respect to mortgage encumbering property:
Description: _____
Proposed date for completion: _____
- d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. Other information that may be important relating to the payment and length of plan:
Debtor has suffered a material reduction of income due to COVID19 pandemic and had a confirmed plan entered on October 28, 2016. Debtor has recently entered into a Consent Order with Kira Development LLC on May 22, 2020 to resolve a Default under the Consent Order of September 30, 2016. Plan is now a 100% Plan based on filed Proof of Claims.

Part 2: Adequate Protection

NONE

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Ronald I. LeVine	Admin.	10,229.25

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
 Check one:
 None
 The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4).

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Kira Development. LLC	6325 Kennedy Blvd., North Bergen New Jersey	\$95,203.47	0	0	Per consent orders on 9/30/16 and 5/22/20

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
 the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan NONE

The following secured claims are unaffected by the Plan:
Creditor

Debtor's co-signing lease of daughter's car by Toyota Motor Credit Corp. for 2015 Highlander. Relief from Stay has been entered in this case since filing.

g. Secured Claims to be Paid in Full Through the Plan NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
State of NJ Div.of Taxation DJ-169819-2013	6325 Kennedy Blvd. North Bergen, NJ	4,719.96
Part 5: Unsecured Claims <input type="checkbox"/> NONE		

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- Not less than \$____ to be distributed *pro rata*
- Not less than 100 percent
- Pro Rata* distribution from any remaining funds

b. Separately classified - None

Part 6: Executory Contracts and Unexpired Leases NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, *Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claim of State of New Jersey**
- 4) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification **NONE**

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified: 10/28/16

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To expand the Plan to 84 months and address the trustee Motion to Dismiss Case .	Se 1(a) & 1(e) , 3(a) , 4(e) , and 5(a)

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: August 21, 2020

/s/ **Rubier J Betancourt**

Rubier J Betancourt

Debtor

Date: _____

Joint Debtor

Date August 21, 2020

/s/ **Ronald I. LeVine**

Ronald I. LeVine

Attorney for the Debtor(s)

In re:
Rubier J Betancourt
DebtorCase No. 16-20518-SLM
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 31

Date Rcvd: Aug 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2020.

db +Rubier J Betancourt, 6325 Kennedy Blvd Apt 2R, North Bergen, NJ 07047-3420
 sp +J. Alvaro Alonso LLC, 6121 Kennedy Boulevard, North Bergen, NJ 07047-3483
 sp +Kim Law Firm, LLC, 411 Hackensack Ave, Hackensack, NJ 07601-6328
 cr +Kira Development, LLC, 38 Park Edge Lane, Berkely Heights, NJ 07922-1283
 cr +Seterus, Inc. as the authorized subservicer for Fe, Stern, Lavinthal & Frankenberg, LLC,
105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640
 516207441 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, N.A., POB 982235, El Paso, TX 79998)
 516439730 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 516207447 +Grayson & Associates, LLC, 33 Bleeker Street, Suite 202, Millburn, NJ 07041-1460
 516329092 +Kira Development LLC, 38 Park Edge Lane, Berkeley Heights, NJ 07922-1283
 516207448 +Kira Development, LLC, Price, Meese, Shulman, & D'Armino, PC, 50 Tice Boulevard,
Attn: Mark W. Greene, Esq., Woodcliff Lake, NJ 07677-7681
 516207445 Passaic Industrial Center Association, MYNT Properties, 10 Muhammad Ali Way #800,
New York, NY 10001
 516207450 +Passaic Undustrial Center Associates, Attn: Sternbach, Lawlor & Rella, LLP,
274 Madison Avenue, Suite 1303, New York, NY 10016-0713
 516329094 +Price, Meese, Shulman & D'Armino, 50 Tice Boulevard, Suite 380, Woodcliff, NJ 07677-7638
 516326211 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Department of Treasury,
Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 516207452 +Sears/CBNA, POB 6283, Sioux Falls, SD 57117-6283
 516207454 +Stellar Recovery Inc., 48 Bridge Street, Metuchen, NJ 08840-2277
 516207456 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Corp., 4 Gatehall Drive, Suite 350,
Parsippany, NJ 07054)
 516238746 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516302068 +Wells Fargo Bank, N.A., Business Direct Division, P.O. Box 29482, Phoenix, AZ 85038-9482

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 24 2020 23:34:12 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Aug 24 2020 23:34:08 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
 516207440 +E-mail/Text: EBNProcessing@afni.com Aug 24 2020 23:34:18 Afni, Inc., POB 3427,
Bloomington, IL 61702-3427
 516207446 +E-mail/Text: mrdiscren@discover.com Aug 24 2020 23:33:31 Discover Bank, POB 71084,
Charlotte, NC 28272-1084
 516220648 E-mail/Text: mrdiscren@discover.com Aug 24 2020 23:33:31 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516373775 E-mail/Text: JCAP_BNC_Notices@jcapi.com Aug 24 2020 23:34:23 Jefferson Capital Systems LLC,
PO Box 7999, Saint Cloud MN 56302-9617
 516207442 E-mail/PDF: ais.chase.ebn@americaninfosource.com Aug 24 2020 23:40:23 Chase Card,
POB 15298, Wilmington, DE 19850
 516207449 +E-mail/PDF: resurgentbknotifications@resurgent.com Aug 24 2020 23:40:59 LVNV Funding, LLC,
POB 10497, Greenville, SC 29603-0497
 516389656 E-mail/PDF: resurgentbknotifications@resurgent.com Aug 24 2020 23:40:59
LVNV Funding, LLC its successors and assigns as, assignee of Capital One Bank (USA), N.A.,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516207451 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 24 2020 23:40:57
Portfolio Recovery Associates, 120 Corporate Blvd, Suite 100, Norfolk, VA 23502
 516419303 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 24 2020 23:40:29
Portfolio Recovery Associates, LLC, C/O dell Financial Services, LLC, POB 41067,
Norfolk VA 23541
 516207455 +E-mail/PDF: gecscedi@recoverycorp.com Aug 24 2020 23:40:20 SYNCB/ Nations, POB 965036,
Orlando, FL 32896-5036

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516207443* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card, POB 15298, Wilmington, DE 19850)
 516207444* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card, POB 15298, Wilmington, DE 19850)
 516329093* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Corp., 4 Gatehall Drive, Suite 350,
Parsippany, NJ 07054)

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: Aug 24, 2020

516207453 ##+Seterus, POB 1077, Hartford, CT 06143-1077

TOTALS: 0, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 26, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 21, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Jeanette F. Frankenberg on behalf of Creditor Seterus, Inc. as the authorized subservicer for
Federal National Mortgage Association (Fannie Mae), creditor c/o Seterus, Inc. cmecf@sternlav.com
Marie-Ann Greenberg magecf@magtrustee.com

Mark W. Greene on behalf of Creditor Kira Development, LLC mgreene@pricemeese.com
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
rsolarz@kmllawgroup.com

Robert Wachtel on behalf of Debtor Rubier J Betancourt rwachtel@ronlevinlaw.com,
ronlevinlawfirm@gmail.com

Ronald I. LeVine on behalf of Debtor Rubier J Betancourt ronlevinlawfirm@gmail.com,
irr72645@notify.bestcase.com

TOTAL: 7